

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

SEAN DUFFY AND KIMBERLY DUFFY

PLAINTIFFS

V.

CIVIL ACTION NO. 1:06cv1195-LTS-RHW

ECONOMY PREMIER ASSURANCE COMPANY,
METROPOLITAN PROPERTY AND CASUALTY
INSURANCE COMPANY, U.S. SMALL BUSINESS
ADMINISTRATION, AND JOHN DOES 1 THROUGH 10

DEFENDANTS

ORDER

Defendants Economy Premier Assurance Company and Metropolitan Property and Casualty Insurance Company move [56] for bifurcation of trial proceedings. Movants' request is not so much about separate trials as it is different phases of the same trial.

Consistent with this Court's prior rulings and Mississippi law, Miss. Code Ann. § 11-1-65, separate proceedings at trial will be held with respect to the coverage claim, on the one hand, and the punitive/extra-contractual damages issue, on the other. However, Plaintiffs will be allowed to address punitive damages in *voir dire*, and if the jury is allowed to consider punitive damages after the coverage question is decided, all counsel will be able to make separate statements on that issue.

Accordingly, **IT IS ORDERED:**

Defendant's [56] Motion to Bifurcate Proceedings is **GRANTED**, consistent with the above comments. Plaintiffs will be allowed to address the issue of punitive/extra-contractual damages in *voir dire* subject to further direction from the Court. The underlying coverage/contractual claim and the entitlement to punitive/extra-contractual damages will be determined in a bifurcated proceeding, with counsel being allowed to make statements at the beginning of each phase.

SO ORDERED this the 31st day of January, 2008.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE